



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

HD:hd

Docket No: 06371-00

6 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LT [REDACTED], MSC, USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 12 Sep 00 w/attachments
(2) Memo for the Record dtd 30 Nov 00
(3) PERS-85 memo dtd 23 Oct 00
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show the lineal position, date of rank and effective date in the grade of lieutenant she would have been assigned had she been selected for promotion to that grade by the Fiscal Year (FY) 99 Staff Lieutenant Selection Board, vice the FY 01 Staff Lieutenant Selection Board. She originally specifically requested that her date of rank and effective date in the grade of lieutenant be changed to 6 June 1999. Enclosure (2) shows she later amended her application to request adjusting her lieutenant date of rank and effective date to 1 July 1999. Her current date of rank and effective date are 1 October 2000 (not 6 June 2000, as indicated in her application).

2. The Board, consisting of Messrs. McCulloch and Rothlein and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 30 November 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing her lieutenant date of rank (and by implication, effective date) to 1 July 1999.

CONCLUSION:


Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:


- a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of lieutenant as 1 July 1999, vice 1 October 2000; and that her lineal precedence be adjusted accordingly.
- b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director

30 November 2000

MEMO FOR THE RECORD

Re: Case of [REDACTED] MSC, USNR, [REDACTED]

[REDACTED] verbally advised me today that she was amending her application to request that her LT date of rank and effective date be changed to 1 July 1999, rather than 6 June 1999, the date she had previously requested. She acknowledged she had made her original request on the erroneous basis that her due course date of rank as a lieutenant is computed by adding two years to her LTJG date of rank.

Jonathan S. Ruskin

JONATHAN S. RUSKIN
Head, Performance Section



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

6371-00
5420
PERS-85
23 Oct 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] MSC, USNR, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of [REDACTED] request to backdate her date of rank.

2. [REDACTED] is selected to Lieutenant by the FY-01 Active Duty Lieutenant Medical Service Corps Promotion Selection Board. Her current date of rank to LT is 1 October 2000. Consistent with the changes to her date of rank of Ensign that occurred in November 1999, her date of rank for LTJG was effective 6 June 1997. She should have been considered by the FY-99 Active Duty Lieutenant Medical Service Corps Promotion Selection Board and promoted to LT on 1 July 1999.

3. Recommend that [REDACTED] date of rank be backdated to 1 July 1999.

[REDACTED]
[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division